

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEVEL 3 COMMUNICATIONS, L.L.C. and
MCI COMMUNICATIONS SERVICES,
INC., d/b/a VERIZON BUSINESS,

Plaintiffs,

v.

MARINE BULKHEADING, INC.,

Defendant.

Civil Action No. 07 CIV 8118 (GEL)

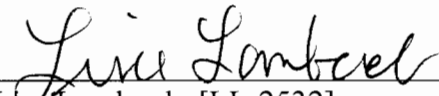
**NOTICE OF MOTION FOR ADMISSION
PRO HAC VICE OF KIMBERLY R. SCHUTZ
AND JAMES J. PROSZEK**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Lisa Lombardo dated September 18, 2007, the annexed Declarations of Kimberly R. Schutz and James J. Proszek, dated September 13, 2007, and all attachments thereto, the undersigned, attorneys for Plaintiffs, Level 3 Communications, LLC and MCI Communications Services, Inc., d/b/a Verizon Business will move this Court on submission at the United States District Court for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, for an order pursuant to Local Civil Rule 1.3(c) of this Court granting Kimberly R. Schutz and James J. Proszek admission *pro hac vice* to this Court and for such other and further relief as this Court deems just and proper. There are no pending disciplinary proceedings against them in any state or federal court.

FILED
U.S. DISTRICT COURT
2007 SEP 19 11:11 AM
SOUTHERN DISTRICT OF NEW YORK

Dated: New York, New York
September 18, 2007

GIBBONS, P.C.
One Pennsylvania Plaza, 37TH Floor
New York, NY 10119
Telephone: (212) 649-4700
Attorneys for Plaintiffs
Level 3 Communications, L.L.C., and
MCI Communications Services, Inc. d/b/a Verizon
Business

By: 
Lisa Lombardo [LL-2532]

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2007, the foregoing document was filed with the Clerk of the Court in accordance with the Federal Rules of Civil Procedure and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service.



Lisa Lombardo

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Civil Action No. 07 CIV 8118 (GEL)

**DECLARATION OF LISA LOMBARDO IN
SUPPORT OF ADMISSION PRO HAC VICE
OF JAMES J. PROSZEK AND KIMBERLY R.
SCHUTZ**

I, LISA LOMBARDO, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am associated with the law firm of Gibbons, P.C., counsel for Plaintiffs, Level 3 Communications, L.L.C. and MCI Communications Services, Inc., d/b/a Verizon Business.

2. I have been a member in good standing of the Bar of the State of New York since 2000 and of the United States District Court for the Southern District of New York since 2004. I respectfully submit this affirmation in support of the motion pursuant to Local Civil Rule 1.3 (c) of this Court for the admission pro hac vice of James J. Proszek and Kimberly R. Schutz, attorneys in the Tulsa, Oklahoma office of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.

3. Mr. Proszek has been admitted to practice law in the State of Oklahoma since 1983. Mr. Proszek is and has always been a member in good standing of the bars of the jurisdictions and courts in which he is admitted to practice. I have known Mr. Proszek during the course of this action and believe him to be of high moral character and extremely competent in the practice of law.

4. The Declaration of Mr. Proszek affirming his good standing for the state bar in which he is admitted is being filed herewith. His Certificate of Good Standing of the State of Oklahoma is attached to his accompanying affidavit.

5. Ms. Schutz has been admitted to practice law in the State of Oklahoma since 2000. Ms. Schutz is and has always been a member in good standing of the bars of the jurisdictions and courts in which she is admitted to practice. I have known Ms. Schutz during the course of this action and believe her to be of high moral character and extremely competent in the practice of law.

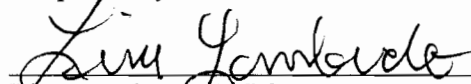
6. The Declaration of Ms. Schutz affirming her good standing for the state bar in which she is admitted is being filed herewith. Her Certificate of Good Standing of the State of Oklahoma is attached to his accompanying affidavit.

7. I further affirm that I am fully familiar with the facts of this case and will assist Mr. Proszek and Ms. Schutz in the preparation of this case.

WHEREFORE, I respectfully request that the Court admit James J. Proszek and Kimberly R. Schutz *pro hac vice* and thereby permit Mr. Proszek and Ms. Schutz to appear and to participate in all further proceedings in this case on behalf of the Plaintiffs.

Dated: New York, New York
September 18, 2007

Respectfully submitted,



Lisa Lombardo [LL2532]

GIBBONS, PC

One Pennsylvania Plaza, 37th Floor

New York, New York 10119

Telephone: (212) 649-4700

Attorneys for Plaintiffs

Level 3 Communications, L.L.C. and

*MCI Communications Services, Inc., d/b/a Verizon
Business*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,

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Defendants.

Civil Action No. 07 CIV 8118 (GEL)

DECLARATION OF JAMES J. PROSZEK

I, James J. Proszek, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I submit this declaration in support of the application by Plaintiffs Level 3 Communications, L.L.C., ("Level 3") and MCI Communications Services, Inc., d/b/a Verizon Business ("VzB") for my admission as an attorney *pro hac vice*.

2. I am a citizen of the United States and a resident of the State of Oklahoma. I have been a member in good standing of the Bar of the State of Oklahoma since 1983. A copy of my certificate of good standing in Oklahoma is attached as Exhibit A. I am a member of the firm of Hall, Estill, Hardwick, Gable, Golden & Nelson and counsel to MCI in the pending litigation. My office is in the State of Oklahoma at 320 South Boston Avenue, Suite 400 Tulsa, Oklahoma 74103.

3. There is good cause to grant this application. Plaintiffs Level 3 and VzB wish me to be counsel on this matter because of my years of practice and experience. I have appeared as counsel in numerous cases in state courts and in the United States District Court for the Northern District of Oklahoma. I am fully familiar with the facts and legal issues of this case.

4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.

5. I have read and am familiar with

- (a) the provisions of the Judicial Code which pertain to the jurisdiction of, and practice in, the United States District Courts;
- (b) the Federal Rules of Civil Procedure for the district courts;
- (c) the Rules of the United States District Court for the Southern District of New York;

- (d) the Federal Rules of Evidence for the United States Courts and Magistrates;
- (e) the Code of Professional Responsibility of the American Bar Association, and will faithfully adhere thereto.

6. As a part of my admission *pro hac vice*, I agree:

- (a) to be bound by all procedural rules and disciplinary rules governing the practice of law before this Court;
- (b) to advise the Court if I cease to be a member in good standing of the Bar of the State of Oklahoma;
- (c) to continue to work with New York counsel throughout the course of this case; and
- (d) to follow New York customs of practice.

7. I respectfully request that I be admitted to practice before this Court *pro hac vice* on behalf of the Plaintiffs pursuant to the proposed order annexed hereto.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____, 2007

James J. Proszek, OBA #10443
HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.
320 South Boston Avenue, Suite 400
Tulsa, Oklahoma 74103-3708
(918) 594-0400

*Attorneys For Plaintiffs
Level 3 Communications, L.L.C. and
MCI Communications Services, Inc. d/b/a
Verizon Business*

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1901 North Lincoln Boulevard • P.O. Box 53036 • Oklahoma City, OK 73152-3036 • (405) / 416-7007
Website: www.okbar.org FAX (405) / 416-7003

FAX (405) / 416-7003

DOROTHY WALOS
Investigator

[illegible]

That JAMES J. PROSZEK, OBA #10443, was admitted to the practice of law by the Supreme Court of Oklahoma on October 06, 1983, and is an active member in good standing of the Oklahoma Bar Association.


Dan Murdock, General Counsel

Subscribed and sworn to before me this 24th day of August, 2007.

Lawrence M. L. Williams
NOTARY PUBLIC

07000304



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARINE BULKHEADING, INC.,

Defendants.

Civil Action No. 07 CIV 8118 (GEL)

DECLARATION OF KIMBERLY R. SCHUTZ

I, Kimberly R. Schutz , hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I submit this declaration in support of the application by Plaintiffs Level 3 Communications, L.L.C., ("Level 3") and MCI Communications Services, Inc., d/b/a Verizon Business ("VzB") for my admission as an attorney *pro hac vice*.

2. I am a citizen of the United States and a resident of the State of Oklahoma. I have been a member in good standing of the Bar of the State of Oklahoma since 2000. A copy of my certificate of good standing in Oklahoma is attached as Exhibit A. I am a member of the firm of Hall, Estill, Hardwick, Gable, Golden & Nelson and counsel to MCI in the pending litigation. My office is in the State of Oklahoma at 320 South Boston Avenue, Suite 400 Tulsa, Oklahoma 74103.

3. There is good cause to grant this application. Plaintiffs Level 3 and VzB wish me to be counsel on this matter because of my years of practice and experience. I have appeared as counsel in numerous cases in state courts and in the United States District Court for the Northern District of Oklahoma. I am fully familiar with the facts and legal issues of this case.

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- (e) the Code of Professional Responsibility of the American Bar Association, and will faithfully adhere thereto.

6. As a part of my admission *pro hac vice*, I agree:

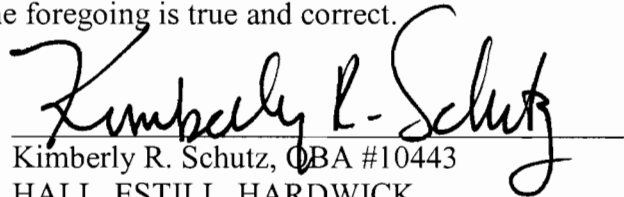
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- (b) to advise the Court if I cease to be a member in good standing of the Bar of the State of Oklahoma;
- (c) to continue to work with New York counsel throughout the course of this case; and
- (d) to follow New York customs of practice.

7. I respectfully request that I be admitted to practice before this Court *pro hac vice* on behalf of the Plaintiffs pursuant to the proposed order annexed hereto.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

Sept. 13, 2007



Kimberly R. Schutz, OBA #10443
HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.
320 South Boston Avenue, Suite 400
Tulsa, Oklahoma 74103-3708
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*Attorneys For Plaintiffs
Level 3 Communications, L.L.C. and
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